

DRAFT
RAVALLI COUNTY
ZONING REGULATIONS

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FORWARD

SECTION 1. INTRODUCTION.

In contrast to the Ravalli County Growth Policy Countywide zoning is regulatory in nature. These regulations are a major tool to be used in County land use planning. They are authorized by state statutes (MCA 76-2) and provide the local government a means to plan for and manage growth in Ravalli County. They are in compliance with the Growth Policy and are based upon Constitutional authority.

All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment and the rights of pursuing life's basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health and happiness in all lawful ways. In enjoying these rights, all persons recognize corresponding responsibilities.

Article II, Section 3, Montana Constitution.

The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generation.

Article IX, Section 1, Montana Constitution.

These statements serve not only as the primary foundation for the Ravalli County Growth Policy but they provide the County Government with the authority, along with the statutes, for zoning regulations to manage and plan for growth.

SECTION 2. SCOPE.

The Ravalli County Growth Policy established a comprehensive set of long-range goals and goal-related policies to guide future growth and development. Countywide zoning regulations define where growth should occur, outline zoning districts, establish categories of appropriate land use, prescribe densities of residential and other units and provide, as required by law, a Board of Adjustment to handle matters of variances and appeals. As applied to the land, these regulations provide an increased level of predictability to land owners, neighbors and developers about where and how growth can and should be accommodated.

Ravalli County has recognized and respected individual private property rights in the development of these zoning regulations. Consistent with federal and state constitutional protections, Ravalli County does not support any public taking without due process of law.

The County zoning regulations have been prepared to be consistent with, and meet the requirements of, Montana statutes relevant to planning, existent land use and subdivision regulations.

SECTION 3. COMPONENTS OF ZONING RESOLUTION.

There are two components in traditional zoning, the zoning regulations or text and the zoning map.

A. Zoning Regulations

Zoning is the legal method by which the Ravalli County Government can divide the County into districts (zones), restrict the use of land in the various zones, and impose requirements that the permitted uses must meet. Zoning regulations prevent land use conflicts by separating incompatible uses, and fostering a good quality and character of development by requiring land uses to meet standards that protect both public and private property owners. A zoning matrix provides a summary of the zoning districts included in these regulations.

B. Zoning Map

Because traditional zoning regulates the location of uses and intensity of development, the zoning map, showing the precise boundaries of each use zone, is an essential part of these zoning regulations. The zoning map has been based on an assessment of existing conditions, including existing uses, locations of natural amenities, physical conditions limiting development potential such as steep slopes and floodplains, location of infrastructure and other conditions that support development; the suitability of land for different intensities of development; and the need of the County to accommodate different land uses and intensities of development. As shown on the zoning map, there are boundary lines outlining assigned zoning district and each zoning district is further described herein and in the corresponding zoning matrix.

C. Planning Board

As provided for in state law (76-2-204) the Ravalli County Board of County Commissioners shall require the Ravalli County Planning Board to recommend boundaries and appropriate regulations for the various zoning districts. The Planning Board make written reports of their recommendations to the Board of County Commissioners, but such recommendations shall be advisory only. The Planning Board shall be dedicated to maintaining the intent of countywide zoning as a growth planning tool utilized to implement the Ravalli County Growth Policy.

D. Board of Adjustment

As required by state law (76-2-221) the Ravalli County Board of Commissioners shall provide for the appointment of a board of adjustment which will operate as a governing body regarding certain zoning matters. The Board of Adjustment will hear appeals regarding administrative decisions on the Zoning Resolution and Zoning Map, variances to the zoning regulations, make special exceptions to the Zoning Resolution in harmony with its general purposes and intents.

CHAPTER 1. GENERAL PROVISIONS.

SECTION 1. TITLE.

This resolution shall be known and cited as the "ZONING RESOLUTION OF RAVALLI COUNTY, MONTANA."

SECTION 2. AUTHORITY.

This resolution is adopted under the authority of state statutes (MCA 76-2).

SECTION 3. PURPOSE.

A. The purpose of this ZONING RESOLUTION is to promulgate and adopt such zoning regulations that are:

1. Made in accordance with the growth policy, as provided for in 76-2-201; and
2. Designed to:
 - a. lessen congestion in the streets;
 - b. secure safety from fire, panic, and other dangers;
 - c. promote public health and general welfare;
 - d. provide adequate light and air;
 - e. prevent the overcrowding of land;
 - f. avoid undue concentration of population; and
 - g. facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
3. Zoning regulations must be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.
4. Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of the municipalities within the jurisdictional area.

B. Further, the intent of this ZONING RESOLUTION is to:

1. Insure that the land uses of Ravalli County are properly situated to one another, providing adequate space for each type of development, and preventing problems with incompatible uses.
2. Control the density of development in each area of the County so that property can adequately serviced by such public facilities as roads, schools, recreation and utility systems.

3. Direct new growth in appropriate areas.
4. Improve the quality of the physical environment of the County.
5. Protect and maintain property values.
6. Preserve and develop the economic base of the County.
7. Encourage the development of affordable housing.

SECTION 4. INCORPORATION OF OFFICIAL ZONING MAP.

A. Official Zoning Map a part of the Zoning Resolution

These regulations shall apply to the entirety of Ravalli County exclusive of the incorporated towns and cities of Stevensville (including the extraterritorial zoning area outside of Stevensville), Pinesdale, Hamilton, and Darby and those individual, legally created zoning districts for which regulations had been adopted by the Board of County Commissioners as authorized under Title 76, Chapter 2, part 1, commonly known as Voluntary Zoning Districts, as of the adoption date of these regulations. The zoning districts described in Chapter 2 of these regulations shall be applied to the land as shown on the map entitled, “Ravalli County Zoning Map,” which shall be certified by the Board of County Commissioners, incorporated herein by reference, and filed with the Ravalli County Clerk and Recorder. The digital version of the Ravalli County Zoning Map shall be available at the Ravalli County Planning Department. Any amendments to this map shall be adopted in accordance with the procedures described herein.

SECTION 5. INTERPRETATION, CONFLICT WITH OTHER LAWS AND REGULATIONS.

Whenever the requirements of these regulations are at variance with the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing the higher standards shall govern,

SECTION 6. SEVERABILITY CLAUSE.

Should any section or provision of this Zoning Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

SECTION 7. DEFINITIONS.

A. Interpretation

For the purposes of this Resolution the following conditions and interpretations apply:

1. Words used in the present tense include the future tense.

2. Words used in the singular tense include the plural; words used in the plural include the singular, unless the natural construction of the wording indicates otherwise.
3. The word “person” includes a firm, association, corporation, trust, organization, partnership or company, as well as an individual.
4. The word “lot” includes the words “parcel” or “tract.”
5. The word “building” includes the word “structure.”
6. The word “shall” is mandatory; the word “may” is permissive.

B. The following definitions apply to this Resolution:

1. **ACCESSORY STRUCTURE OR USE.** The use or structure on the same lot with, and customarily secondary or subordinate to, the principal use/structure.
2. **ADJACENT/ADJOINING.** Touching or contiguous. Lots separated by a road, irrigation canal, utility, or similar right-of-way or easement shall be considered adjoining.
3. **AFFORDABLE HOUSING.** Housing which has a sales price or rent within the means of a low or moderate income household as defined by local, state or federal legislation. The typical "means threshold" is that 30% or more of the area median household income is paid towards housing costs, including utilities.
4. **AGRICULTURAL USE.** The use of land for agricultural purposes including farming, dairying, pasturage agriculture, grazing land, animal and poultry husbandry, horticulture, floriculture, viticulture, silviculture, including all uses customarily incidental thereto, but not including any agriculture industry or businesses such as commercial feed lots, animal hospitals, food processing plants, fur farms or similar uses.
5. **AGRICULTURAL USE, LIMITED.** Agricultural activities, including the keeping of farm animals for personal non-commercial use only, and which is clearly incidental to the residential use of the land.
6. **ALTERATION.** As applied to a building or structure, an alteration includes a change or rearrangement of the structural parts in the existing facilities; or an enlargement or addition on a building or structure; or moving a building or structure from one location or position to another; or any change of supporting members of a building such as bearing walls, columns, beams or girders.
7. **AUCTION SALES.** A place and/or building, or portion thereof that is used or is intended to be used for auctioning goods to the general public; the term does not

- include estate sales and the like. Vehicle auctions are considered as vehicle sales and rentals.
8. **BAR.** A place and/or building, or portion thereof, that is use or is intended for retail sales of alcoholic beverages for on-site consumption and where food consumption, if any, is clearly secondary to the sale of alcoholic beverages; the term includes taverns and lounges.
 9. **BED AND BREAKFAST ESTABLISHMENT.** Single family residence that offers overnight accommodations and a meal for a daily charge and which also serves as a primary residence of the operator or owner. (Refer to 50-51-102, MCA)
 10. **BERM.** An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise levels.
 11. **BUFFER OR BUFFER STRIP.** Open spaces, landscaping, berms, walls, or any combination used to physically separate or screen one land use property from another so as to shield noise, unwanted light or other nuisances.
 12. **BUILDING.** A structure having a roof supported by walls or columns, or other supports intended for the shelter or enclosure of persons, animals, or property of any kind.
 13. **CLUSTER DEVELOPMENT.** A subdivision with lots clustered in a group of five or more lots that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped. (76-3-103(2), MCA)
 14. **COMMUNITY RESIDENTIAL FACILITY.** Any one of the following as defined:
 - a. **Community group home.** Family-oriented residence that is designed to provide residential services for two to eight individuals with severe disabilities and that does not provide skilled or intermediate nursing care; the term does not preclude the provision of skilled or intermediate nursing care by third-person providers. (52-4-202, MCA)
 - b. **Youth foster home.** Youth care facility licensed by the state in which one to six children or youth other than the foster parents' own children, stepchildren, or wards are given food, shelter, security and safety, guidance, direction, and if necessary, treatment. (52-2-602, MCA)
 - c. **Halfway house.** Place and/or building, or portion thereof, which is used or is intended to provide treatment, rehabilitation, and prevention of chemical dependency. (52-24-103, MCA)
 - d. **Adult foster family care home.** Private residence owned by one or more individuals 18 years of age or older which offer light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offer light

- personal care or custodial care to aged individuals. (52-2-302, MCA)
15. **COMMERCIAL KENNEL.** A place, building, or portion thereof, or activity, that is used or intended for housing five (5) or more dogs, cats or other domesticated animals over six (6) months of age or for the purpose of boarding, breeding, training, or sale; the term includes boarding kennels, dog motels, dog training centers; the term does not include animal hospitals, animal grooming parlors, or pet shops.
 16. **COMMERCIAL USE.** A use that involves the exchange of cash, goods or services, forgiveness of indebtedness or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form or the right to occupy space over any period of time.
 17. **COMPATIBLE USE.** Capable of existing together in harmony and/or avoidance of nuisance, noise, viewing or other impacts.
 18. **CONDITIONAL USE.** A use that is allowed in a specific district if the use meets certain requirements in order to maintain and assure the health and safety of the community and to maintain the character of the district.
 19. **CONDOMINIUM.** Ownership in common with others of a parcel of land and certain parts of a building, together with individual ownership in fee of a particular unit in such building or of an individual detached unit.
 20. **CONFORMING USE.** Any use allowed by the regulations of the district as a permitted use, conditional use, or special exception.
 21. **COVENANT.** A limitation contained in a deed or other document that restricts or regulates the use of the real property.
 22. **DAYCARE CENTER.** A place and/or building, or portion thereof, that is used or intended to provide day care to 13 or more children (including the operators' children) or persons on a regular basis. (52-2-703, MCA)
 23. **DAYCARE HOME.** A private residence in which daycare (meaning less than 24 hours per day) is provided for three (3) to twelve (12) children or persons from separate families, including the operators' children, on a regular basis. (52-2-703, MCA)
 24. **DENSITY.** The number of dwelling units per acre measured as gross acreage inclusive of rights-of-way, parks and open space.
 25. **DEVELOPMENT IMPROVEMENT.** Any structure or facility constructed to serve the residents of a subdivision or project, which may include the general public, such as parks, streets and roads, sidewalks, curbs and gutters, street lighting, utilities and systems for water supply, wastewater (sewage) treatment, and disposal and storm

water drainage.

26. DWELLING. A building or portion thereof used for occupancy by one (1) or more persons, but not including hospitals, tents, railroad cars, trailers, or any alteration of such structures and facilities. The term includes Class A Manufactured Homes.
27. DWELLING UNIT, MULTI-FAMILY. A building used or designed as a residence for three (3) or more families living independently of each other doing their own cooking therein. This term shall include apartment buildings and apartment hotels. This term shall include detached buildings containing multi-family dwelling unit condominiums when they have been expressly contemplated in the subdivision review of a property.
28. DWELLING UNIT, SINGLE-FAMILY. A building or portion thereof providing separate cooking, eating, sleeping and living facilities for one (1) family. This term shall include multiple detached single-family dwelling unit condominiums on a property when they have been expressly contemplated in the subdivision review of a property.
29. DWELLING UNIT, TWO-FAMILY. (DUPLEX) A building designed or occupied exclusively by two (2) families living individually of each other, except that common laundry facilities are allowed. This term shall include multiple detached buildings containing two-family dwelling unit condominium buildings on a property when they have been expressly contemplated in the subdivision review of a property.
30. EASEMENT. Authorization by a property owner for another to use, or restriction on the right of the owner to use, all or a portion of the owner's property for a specified purpose.
31. EDUCATIONAL FACILITY. A place and/or building, or portion thereof, that is used or intended for use as a preschool, elementary, middle school or high school.
32. FACTORY BUILT HOME. See MODULAR HOME.
33. FAMILY. One or more persons living, sleeping and usually cooking and eating on the premises as a single housekeeping unit.
34. FEED LOT. An animal enclosure where the land is not grazed or cropped annually, either a secondary or an accessory use to an agricultural operation, or a primary use as in a commercial feed lot.
35. FINISHED GRADE. The grade of a site after building construction, inclusive of any retaining walls, built up grade or other changes to existing grade.
36. FLOODPLAIN. Any area of land susceptible to being inundated by water from any source.

37. **GOLF COURSE/DRIVING RANGE.** A place, whether organized for profit or not, that is used or intended for playing golf.
38. **GRAVEL PIT, QUARRY, SAND PIT, TOP SOIL STRIPPING.** A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or topsoil for sale as an industrial operation and exclusive of the process of grading the lot in preparation for the construction of a building for which application for a zoning compliance permit has been made. (Refer to 76-2-209, MCA)
39. **HEALTH CARE FACILITY.** A place and/or building, or portion thereof, whether public or private, excluding federal facilities, whether organized for profit or not, that is used or is intended to provide health services, medical treatment, or nursing, rehabilitative, or preventative care to any person or individuals; the term does not include offices of private physicians or dentists; the term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, and rehabilitation facilities.
40. **HEIGHT.** The average vertical distance from finished grade to the highest point of a structure for flat roofs, to the deck line for mansard roofs, and to the main heights between eaves and the ridge for gable, hip or gambel roofs.
41. **HOME OCCUPATIONS.** Any occupation, professional, enterprise, or similar activity that is conducted on the premises of a residence as an accessory use and that would be compatible in size and scope in a residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry. Home occupations must conform to each of the following conditions:
- a. They shall be carried on by a member of the resident(s) of the dwelling unit.
 - b. There may be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one exterior sign, no larger than six (6) square feet in size, which shall not be mounted on a pole or in the air, and must be placed on the home within four (4) feet of the main entry door.
 - c. There shall be no exterior storage of materials or variation from the residential character of the principal building.
 - d. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

Where a proposed home occupation would not conform to any of the conditions specified above, the home occupation must be reviewed as a conditional use, or variance as appropriate.

42. **HOTEL.** A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping guests,

and in which only a general kitchen and dining room are provided within the building or an accessory building.

43. **INDUSTRIAL USE.** A place and/or building, or portion thereof, that is used or is intended for the manufacture, storage, extraction, fabrication, processing, reduction, destruction, conversions, or wholesaling of any article, substance or commodity, or treatment thereof.
44. **JUNK YARD.** A place and/or building, or portion thereof, that is used or is intended to be used for selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials.
45. **LOT.** A parcel or tract of land shown as an individual unit of ownership on a certificate of survey, subdivision plat, deed or other instrument of record.
46. **LOT, CORNER.** A lot at the junction of and fronting on two (2) or more intersecting streets.
47. **LOT, FLAG.** A lot with access provided by a corridor from a street to the bulk of the lot.
48. **LOT, INTERIOR.** A lot that abuts only one road.
49. **LOT, THROUGH.** A lot having frontage on two more or less parallel streets.
50. **LOT, ZERO LOT LINE.** A lot where the building is placed on or near one of the side lot lines.
51. **LOT COVERAGE.** A measure of land use intensity; it compares the portion of a site that is covered by impervious surface with the overall area of the site.
52. **LOT LINE, FRONT.** A lot line described for each of the following types of lots:
 - a. On an interior lot, the lot line abutting a street; or,
 - b. On a corner lot, the shorter lot line abutting a street; or,
 - c. On a through lot, the lot line abutting the street providing the primary access to the lot; or,
 - d. On a flag lot, the lot line most parallel to and nearest the street from which access is obtained.
53. **LOT LINE, REAR.** A lot line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line.
54. **LOT LINE, SIDE.** A lot line that is not a front or rear lot line.
55. **MANUFACTURED HOME.** A dwelling unit that: (a) is constructed in accordance

with the standards set forth by the U.S. Department of Housing and Urban Development, (b) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (c) exceeds forty (40) feet in length and eight (8) feet in width. The term includes, but is not limited to, “trailer homes,” “house trailers,” and “mobile homes” whether or not the unit has been constructed after July 1, 1976, in conformance with Federal Manufactured Home Construction and Safety Standards. The term does not include “modular” or “factory-built buildings” that are fabricated at a factory in accordance with the Uniform Building Code Standards applicable to site-built homes, and are transported to the site for final assembly on a permanent foundation.

56. **MANUFACTURED HOME, CLASS A.** A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:
- a. The home has a length not exceeding four (4) times its width;
 - b. The pitch of the home's roof has a minimum vertical rise of three (3) inches for each twelve (12) inches of horizontal run (3:12), and the roof is finished with a type of shingle that is commonly used in standard residential construction;
 - c. The exterior siding consists of wood, hardboard, aluminum or vinyl siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
 - d. A continuous, permanent perimeter foundation, which complies with the Uniform Building Code, is installed under the home; and
 - e. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
57. **MANUFACTURED HOME, CLASS B:** A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home.
58. **MANUFACTURED HOME CLASS C:** Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.
59. **MANUFACTURED HOME PARK.** A residential use in which more than one manufactured home is located on a single lot. Manufactured home parks must also comply with the Ravalli County Subdivision Regulations.
60. **MICROBREWERY.** A place and/or building, or portion thereof, that is used or is intended for the manufacture of malt beverages and the sale and onsite consumption of those beverages.

- 61. MINIMUM LOT SIZE. The minimum area of a lot measured as the gross acreage.
- 62. MINI WAREHOUSE. A building and premises whose divisions are separately rented or leased for the sole purpose of storage, and which does not include residential accessory buildings.
- 63. MITIGATION. Measures taken to eliminate or minimize impacts of development activities.
- 64. MOBILE HOME. See MANUFACTURED HOME.
- 65. MOBILE HOME PARK. See MANUFACTURED HOME PARK.
- 66. MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the Uniform Building Code and bearing the insignia of the State of Montana, applicable to site-built homes, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the Uniform Building Code Standards applicable to site-built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site. This term does not include mobile home or manufactured home.
- 67. MOTEL. A group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, or to a common corridor and where a garage is attached to or a parking space is conveniently located at each unit, all for the temporary use, being less than thirty (30) days, by automobile tourist or transient and such word shall include tourist courts, motor courts, automobile courts, and motor lodges.
- 68. MOTOR VEHICLE GRAVEYARD. A place and/or building, or portion thereof, that is maintained and operated by the County and is used or intended as a collection point for junk motor vehicles prior to their disposal. (Source: 75-10-501, MCA)
- 69. NONCONFORMING LOT. Any lot that at the time of creation, conformed to existing rules and regulations, but is now inconsistent with this regulation.
- 70. NONCONFORMING STRUCTURE. Any structure that at time of construction or placement, conformed to existing regulations, but is now inconsistent with this regulation.
- 71. NONCONFORMING USE. Any use of land that at the time of establishment, conformed to existing rules and regulations, but is now inconsistent with this regulation.

72. **ONSITE REAL ESTATE SALES OFFICE.** Residential dwelling in a residential development that is temporarily used as a sales office for other onsite residential dwellings.
73. **OPEN LAND.** Any private land which is provide or preserved for: (a) park or recreational purposes; (b) conservation of land or other natural resources; or (c) historic or scenic purposes.
74. **OUTDOOR ENTERTAINMENT.** A place and/or structure, or portion thereof, that is used or is intended for outdoor, spectator-type uses or events. The term includes race tracks, motocross courses, sports arenas and the like.
75. **PARK.** A place and/or building, or portion thereof, that is used or is intended for recreational activities for use by the general public or by a homeowners' association. The term includes developed and undeveloped areas and neighborhood recreation centers.
76. **PARKING, PUBLIC.** An open area, other than a street or road, used for the temporary parking of more than four (4) vehicles and available for public use, whether free of for compensation, or as an accommodation for clients or customers.
77. **PERMITTED USE.** A use that is specifically listed as a permitted use for a district and that meets the intent of the district without additional conditions or special review and approval.
78. **PERSONAL SERVICES ESTABLISHMENT.** An establishment that provides services involving the care of a person or of a person's apparel, such as laundry and dry cleaning services, beauty shops, barber shops, shoe repair shops, and tailors.
79. **PLANNED UNIT DEVELOPMENT.** A land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that comprises a planned mixture of land uses and/or residential densities built in a pre-arranged relationship to each other and having open space and community facilities in common ownership or use. (Source: 76-3-103, MCA)
80. **PLANNING BOARD.** The Ravalli County Planning Board, created pursuant to Title 76, Chapter 1.
81. **PROFESSIONAL OFFICE.** Offices occupied by accountants, architects, dentists, doctors, engineers, lawyers, financial and insurance agents, real estate agents, and other professions that are of similar nature.
82. **PUBLIC AND QUASI-PUBLIC USES.** Any building, structure, or use constructed and owned by a governmental, tax-supported, religious, welfare, or charitable organization or institution, such as educational facilities, parks, stadiums, assembly halls, camps, churches, community buildings, health care facilities, memorials and

cemeteries.

83. RECREATIONAL VEHICLE. A vehicle primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle.
84. RECREATIONAL VEHICLE PARK. (CAMPGROUND) A tract of land used for public camping where persons can rent a space to park or place camping trailers, pick-up campers, motor homes, travel trailers, or tents for dwelling purposes.
85. RECYCLING CENTER. A place and/or building, or portion thereof, that is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to manufacture new products. Typical types of recoverable materials include glass, newspaper, metal, plastic, and building materials. The term shall not include a junk yard.
86. RESIDENTIAL ACCESSORY USE (CARETAKER'S RESIDENCE). A single family dwelling located in conjunction with a residential, commercial or industrial land use that requires 24 hour care in order to protect or operate the use.
87. RESTAURANT. A place and/or building, or portion thereof, that is used or intended for the preparation and sale of food and beverages for immediate consumption on the premises, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages. The term does not include a grocery store with a food service section.
88. SEASONAL COMMERCIAL USE. A use which operates no more than thirty (30) consecutive days, not more than ninety (90) days in one (1) year and is seasonal in nature such as firework stands and Christmas tree sales.
89. SETBACK. The horizontal distance between the property line, edge of road easement or other feature, such as a high water line, and any structure.
90. SIGN. Any lettered or pictorial device or structure designed to inform or attract attention.
91. SOLID WASTE. All putrescible and nonputrescible wastes. (Refer to 75-10-103, MCA.)
92. SOLID WASTE TRANSFER STATION. A place and/or building, or portion thereof, that is used or is intended for temporary collection of solid waste prior to transport to a processing plant or to final disposal.
93. SPECIAL EXCEPTION. A use that is specifically listed as a special exception for a district and which meets the intent of the district when design standards and conditions are met. After special review and approval of the Board of Adjustment,

which will make it consistent with and compatible to other existing and conforming uses within the district

94. **SPOT ZONING.** The process of singling out a relatively small parcel of land for a zoning designation totally different from that of the surrounding area for the benefit of the owner of the property and to the detriment of other owners. A rezoning that extends a pre-existing zoning classification to include a larger area is not spot zoning. Under Title 76, chapter 2, part 1, MCA, designations of parcels of 40 acres or more as County planning and zoning districts/voluntary zoning districts will not be considered spot zoning. Approved Planned Unit Developments that meet the PUD requirements, as stated in these Regulations, shall not be considered spot zoning.
95. **STABLE, PRIVATE.** A detached accessory building in which horses or other beasts of burden owned by the occupant of the premises are kept, and in which no such animals are kept for hire, remuneration or sale, and are kept for the owner's private use.
96. **STABLE, PUBLIC.** A stable other than a private stable.
97. **START OF CONSTRUCTION.** The first land-disturbing activity associated with a development, including land preparation such as land clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.
98. **STOP WORK ORDER.** An order issued by the County, which requires that any activity cease that is found to be in violation of this regulation.
99. **STRUCTURE.** Any permanent or temporary object that is constructed, installed, or placed by man, which requires a location on a parcel of land. It includes buildings of all types, bridges, in-stream structures, storage tanks, walls, fences, swimming pools, towers, antennas, poles, pipelines, transmission lines, smokestacks, signs, and similar objects.
100. **SUBDIVIDED LAND.** Land that has been divided under the Ravalli County Subdivision Regulations into defined parcels, or portions thereof, either improved or unimproved, which can be separately conveyed by sale or lease, and which can be altered or developed.
101. **SUBDIVISION.** A division of land or land so divided that creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any re-subdivision and further includes a condominium or area, regardless of its size, that provides or will provide multiple space for recreational camping vehicles or manufactured homes [76-3-103(14),

MCA].

102. TOWNHOUSE. A building or structure that has two (2) or more one (1) family dwelling units erected as a single building, each being separated from the adjoining unit or units by an approved fore wall or walls along individual property lines and providing for fee simple ownership of land and dwelling unit.
103. UTILITY INSTALLATION. A place, building and/or structure, or portion thereof, whether public or private, that is used or is intended for providing basic infrastructure or utility services.
104. UTILITY INSTALLATION, MAJOR. A utility installation generally having moderate to high impact on neighboring property; the term includes pipeline pumping stations, sewage treatment plants, electrical substations, water towers and the like.
105. UTILITY INSTALLATION, MINOR. A utility installation generally having low impact on neighboring property; the term includes public water system wells, sewer lift stations, irrigation ditches and the like.
106. VARIANCE. A grant of relief from the strict application of a rule or regulation that would permit development in a manner otherwise prohibited.
107. VEHICLE FUEL SALES. A place and/or building, or portion thereof, that is used or is intended for the retail sale of gasoline, kerosene, diesel, or other petroleum-based motor fuels; the term includes the sale of convenience foods and goods, provided it is ancillary to the sale of fuels, and light maintenance activities, such as engine tune-ups, lubrication, minor repairs and the like.
108. VEHICLE REPAIR. A place and/or building, or portion thereof, that is used or is intended for maintenance, service, and repair of vehicles; typical services include transmission repair, body work and painting, brake repair, vehicle upholstery, tire shop, engine repair and overhauls, and similar activities.
109. VEHICLE SALES AND RENTAL. A place and/or building, or portion thereof, that is used or is intended for buying, selling, exchanging, taking for consignment, renting, or leasing new or used vehicles, including cars, light trucks, snowmobiles, motorcycles, all-terrain vehicles (ATVs), recreational vehicles, and personal water craft.
110. VEHICLE SERVICES. A place and/or building, or portion thereof, that is used or is intended for servicing vehicles where they typically are not left overnight; examples include quick lube/oil change, car washes, tire stores, vehicle cleaning including cleaning, washing polishing, waxing or other similar activities.
111. VEHICLE WRECKING FACILITY. A place and/or building, or portion thereof, that is used or intended for buying, selling, or dealing in four (4) or more vehicles per

- year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle; or a facility that buys or sells component parts, in whole or in part, and deals in secondhand motor vehicle parts; a facility that buys or sells component parts of a motor vehicle, in whole or in part, is a vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification; the term does not include a garage where wrecked or disabled motor vehicles are temporarily stored for a reasonable period of time for inspection, repairs, or subsequent removal to a junk yard. (Source: 75-10-501, MCA)
112. **VETERINARY CLINIC.** A place and/or building, or portion thereof, that is used or is intended for the medical care of animals; a veterinary clinic may include office space, medical labs, appurtenant facilities, and kennels and/or enclosures for animals under the immediate medical care of a veterinarian. The term includes pet clinics, dog and cat hospitals, animal hospitals and the like.
113. **VOLUNTARY ZONING DISTRICT (VZD).** A planning and zoning district adopted pursuant to Title, 76, chapter 2, part 1, MCA, which includes a petition pursuant to State Law. VZDs are regulatory and require that a perimeter of the district be established and that a development pattern for the district be adopted by the BCC. The standards set forth in a VZD can be enforced by the County.
114. **YARD SETBACK.** The area on a lot that is unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided here in. The setback area is measured from the lot line or the edge of a road easement for a road fronting the lot, whichever results in the greater distance.
115. **ZONING DISTRICT.** A zoning district is adopted pursuant to MCA 76-2-201 through 76-2-228 and it describes a geographical area as delineated on the zoning map for which requirements for the use of land and structures and development standards are prescribed in the zoning regulations.

CHAPTER 2. ZONING DISTRICTS.

Within Ravalli County zoning districts are hereby established and are shown on the Official Zoning Map described in Chapter 1, Section 4 of these Zoning Regulations. These Regulations set forth the specific requirements which must be met by any proposed building, structure or use located within each district.

SECTION 1. INTERPRETATION OF ZONING DISTRICT BOUNDARIES.

Where uncertainty may exist as to the location of district boundaries as shown on the Official Zoning Map, the following rules shall apply in interpreting the nearest logical line to that shown.

1. Boundaries shall be constructed as following the centerline of streets, roadways, highways or alleys.
2. Boundaries shall be constructed as following the centerline of streams, rivers, major canals and ditches.
3. Boundaries shall be constructed as following a line midway between the main tracks of a railroad right-of-way.
4. Boundaries shall be constructed as following platted lot lines.
5. Boundaries shall be constructed as following the boundaries of an incorporated city limits.
6. Boundaries shall be constructed as parallel to or extensions of features indicated on the Official Zoning Map.
7. Where physical or cultural features existing on the ground are different from those shown on the Official Zoning Map, or where circumstances arise not covered by the rules above, the Board of Adjustment shall interpret the district boundaries.

SECTION 2. ZONING DISTRICTS ESTABLISHED.

The following Zoning Districts are established.

1. Voluntary Open Lands (V-OL). A voluntary open lands district with a maximum residential density of one (1) unit per one hundred sixty (160) acres and also allowing for agricultural uses and open space.
2. Agricultural-Residential 1 (AGR-1). An agricultural district with a maximum residential dwelling unit density of one (1) unit per eighty (80) acres and also allowing for agricultural uses.

3. Agricultural-Residential 2 (AGR-2). An agricultural district with a maximum residential density of one (1) unit per (40) acres and also allowing for agricultural uses.
4. Rural Residential 1 (RR-1). A rural residential district with a maximum residential density of one (1) unit per ten (10) acres.
5. Rural Residential 2 (RR-2). A rural residential district with a maximum density of one (1) unit per five (5) acres.
6. Low Density Residential (R-1). A low density residential district with a maximum density of one (1) unit per one (1) acre.
7. Medium Density Residential (R-2). A medium density residential district with a maximum density of two (2) units per (1) acre.
8. Medium-High Density Residential (R-3). A medium-high density residential district with a maximum density of five (5) units per one (1) acre.
9. High Density Residential (R-4). A high density residential district with a maximum density of twenty (20) units per one (1) acre.
10. Neighborhood Commercial (NC). A light commercial district allowing for a mix of residential and commercial uses.
11. Commercial (C). A commercial allowing for business and commercial uses, as well as residential uses.
12. Industrial (I). An industrial district allowing for a industrial uses as well as most commercial uses.
13. Institutions (INS). A district allowing for a variety of public and quasi public institutions, facilities and other governmental uses.
14. Planned Unit Development (PUD). A district that encourages flexibility and creative in the design of a property to protect the environment and provide for functional and harmonious communities and neighborhoods.

SECTION 3. VOLUNTARY OPEN LANDS. (V-OL 1/160 ACRES)

A. Purpose

This district is intended to be an option that private property owners can voluntarily utilize to protect their land. It recognizes land that may contain a few residential homes or other uses, but is primarily agricultural, forest, or undeveloped private open land. In some cases it may be steep, rocky, riparian or otherwise currently economically unsuitable or marginally suitable for development or normally profitable commercial

agricultural production. However, it may have significant value as just open space, wildlife refuge, riparian areas, wildlife corridors, hunting or other low intensity recreational uses. It may also be land that its owners wish to protect and preserve for future generations as undeveloped natural open land. It should not be available for additional residential development, which averages more than one (1) dwelling unit per one hundred sixty (160) acres.

B. Space and Bulk Requirements

1. Maximum density One (1) dwelling unit per one hundred sixty (160) acres.
2. Minimum lot size None.
3. Maximum lot coverage None.
4. Minimum yard setbacks
 - a. Front Twenty-five (25) feet.
 - b. Side Fifteen (15) feet.
 - c. Rear Twenty-five (25) feet.
 - d. Buildings used for raising or housing livestock or fowl shall be set back three hundred (300) feet from any dwelling of human habitation under separate ownership or on a separate lot and fifty (50) feet from any property line or edge of road easement, whichever is closer.
 - e. Other accessory buildings may have a reduced minimum rear yard setback of fifteen (15) feet.
5. Maximum structure height None.

C. Permitted Uses

1. Accessory buildings and uses.
2. Agricultural uses.
3. Bed and breakfast establishments.
4. Community residential facilities serving eight (8) or fewer persons.
5. Daycare homes serving twelve (12) or fewer persons.
6. Dwellings, single-family.
7. Guest ranches.
8. Home occupations.
9. Manufactured homes, Class A.
10. Modular homes.
11. Parks.
12. Utility installations, minor.

D. Conditional Uses

1. Commercial agricultural processing and storage facilities. On lots or combinations of contiguous lots under common ownership that are forty (40) acres or greater in size, facilities for the commercial processing and storage of agricultural products such as packing plants, canneries, milk plants, and warehouses that are accessory to agricultural uses.

2. Commercial kennels on lots or combinations of contiguous lots under common ownership that are ten (10) acres or greater in size.
3. Community residential facilities serving nine (9) or more persons.
4. Daycare centers serving thirteen (13) or more persons.
5. Feed stores and associated feed storage facilities.
6. Golf courses, playfields, tennis courts, and other recreational facilities for games and sports.
7. Gravel pit, quarry, sand pit, top soil stripping.
8. Outdoor recreational activities, non-developed.
9. Recreational vehicle parks.
10. Riding arenas and animal training facilities.
11. Seasonal commercial uses.
12. Stables, public.
13. Temporary use of open land for meetings, circuses, carnivals, swap meets, etc.
14. Veterinary services.

SECTION 4. AGRICULTURAL-RESIDENTIAL 1. (AGR-1 1/80 ACRES)

A. Purpose

This district recognizes land use, which is devoted to agricultural operations and the production of agricultural commodities with limited residential uses. This classification encourages the continuing use of land for natural resource production; protects opens lands not capable of or appropriate for supporting urbanized development due to biologic, physiographic or hydrologic constraints.

B. Space and Bulk Requirements

1. Maximum density One (1) dwelling unit per eighty (80) acres.
2. Minimum lot size One (1) acre.
3. Maximum lot coverage None.
4. Minimum yard setbacks
 - a. Front Twenty-five (25) feet.
 - b. Side Fifteen (15) feet.
 - c. Rear Twenty-five (25) feet.
 - d. Buildings used for raising or housing livestock or fowl shall be set back three hundred (300) feet from any dwelling of human habitation under separate ownership or on a separate lot and fifty (50) feet from any property line or edge of road easement, whichever is closer.
 - e. Other accessory buildings may have a reduced minimum rear yard setback of fifteen (15) feet.
5. Maximum structure height None.

C. Permitted Uses

1. Accessory buildings and uses.

2. Agricultural uses.
3. Bed and breakfast establishments.
4. Community residential facilities serving eight (8) or fewer persons.
5. Daycare homes serving twelve (12) or fewer persons.
6. Dwellings, single-family.
7. Guest ranches.
8. Home occupations.
9. Manufactured homes, Class A.
10. Modular homes.
11. Parks.
12. Utility installations, minor.

D. Conditional Uses

1. Commercial agricultural processing and storage facilities. On lots or combinations of contiguous lots under common ownership that are ten (10) acres or greater in size, facilities for the commercial processing and storage of agricultural products such as packing plants, canneries, milk plants, and warehouses that are accessory to agricultural uses.
2. Commercial kennels on lots or combinations of contiguous lots under common ownership that are ten (10) acres or greater in size.
3. Community residential facilities serving nine (9) or more persons.
4. Daycare centers serving thirteen (13) or more persons.
5. Feed stores and associated feed storage facilities.
6. Golf courses, playfields, tennis courts, and other recreational facilities for games and sports.
7. Gravel pit, quarry, sand pit, top soil stripping.
8. Microbreweries
9. Outdoor recreational activities, non-developed.
10. Recreational vehicle parks.
11. Riding arenas, equestrian boarding facilities and animal training facilities.
12. Seasonal commercial uses.
13. Stables, public.
14. Temporary use of open land for meetings, circuses, carnivals, swap meets, etc.
15. Veterinary services.
16. Wineries.

SECTION 5. AGRICULTURAL-RESIDENTIAL 2. (AGR-2 1/40 ACRES)

A. Purpose

This district recognizes existing farming and ranching operations with limited residential uses. It also recognizes that Ravalli County has considerable acreage with poor soils that are unproductive for agricultural use such as bare ridges, steep slopes, and river bottoms. This classification encourages the continuing use of land for natural resource production and/or recreation; protects opens lands not capable of or appropriate for supporting urbanized

development due to biologic, physiographic or hydrologic constraints.

B. Space and Bulk Requirements

1. Maximum density One (1) dwelling unit per forty (40) acres.
2. Minimum lot size One (1) dwelling unit per one (1) acre.
3. Maximum lot coverage None.
4. Minimum yard setbacks
 - a. Front Twenty-five (25) feet.
 - b. Side Fifteen (15) feet.
 - c. Rear Twenty-five (25) feet.
 - d. Buildings used for raising or housing livestock or fowl shall be set back three hundred (300) feet from any dwelling of human habitation under separate ownership or on a separate lot and fifty (50) feet from any property line or edge of road easement, whichever is closer.
 - e. Other accessory buildings may have a reduced minimum rear yard setback of fifteen (15) feet.
5. Maximum structure height None.

C. Permitted Uses

1. Accessory buildings and uses.
2. Agricultural uses.
3. Bed and breakfast establishments.
4. Community residential facilities serving eight (8) or fewer persons.
5. Daycare homes serving twelve (12) or fewer persons.
6. Dwellings, single-family.
7. Guest ranches.
8. Home occupations.
9. Manufactured homes, Class A.
10. Modular homes.
11. Parks.

D. Conditional Uses

1. Commercial agricultural operations. On lots or combinations of contiguous lots under common ownership that are ten (10) acres or greater, facilities for the commercial processing and storage of agricultural products such as packing plants, canneries, milk plants, and warehouses that are accessory to agricultural uses.
2. Commercial kennels on lots or combinations of contiguous lots under common ownership that are ten (10) acres or greater in size.
3. Community residential facilities serving nine (9) or more persons.
4. Daycare centers serving thirteen (13) or more persons.
5. Feed stores and associated feed storage facilities.
6. Golf courses, playfields, tennis courts, and other recreational facilities for games and sports.

7. Gravel pit, quarry, sand pit, top soil stripping.
8. Microbreweries.
9. Outdoor recreational activities, non-developed.
10. Public and quasi public buildings and uses.
11. Recreational vehicle parks.
12. Riding arenas, equestrian boarding facilities and animal training facilities.
13. Seasonal commercial uses.
14. Stables, public.
15. Temporary use of open land for meetings, circuses, carnivals, swap meets, etc.
16. Veterinary services.
17. Wineries.

SECTION 6. RURAL RESIDENTIAL 1. (RR-1 1/10)

A. Purpose

This district preserves the integrity and natural qualities of the rural environment; assures the continuation of the open and rural character of the district, provides for agricultural, recreational and residential uses in areas appropriate for those uses; and protects areas that cannot support more intense activities due to biological, physiographic and/or hydrological limitations.

B. Space and Bulk Requirements

1. Maximum density One (1) dwelling unit per ten (10) acres.
2. Minimum lot size One-half (0.5) acre.
3. Maximum lot coverage None.
4. Minimum yard setbacks
 - a. Front Twenty-five (25) feet.
 - b. Side Fifteen (15) feet.
 - c. Rear Twenty-five (25) feet.
 - d. Accessory buildings may have a reduced minimum rear yard setback of fifteen (15) feet.
5. Maximum structure height Thirty-five (35) feet.

C. Permitted Uses

1. Accessory buildings and uses.
2. Agricultural uses, limited.
3. Bed and breakfast establishments.
4. Community residential facilities serving eight (8) or fewer persons.
5. Daycare homes serving twelve (12) or fewer persons.
6. Dwellings, single-family.
7. Home occupations.
8. Manufactured homes, Class A.
9. Modular homes.
10. Parks.

11. Utility installations, minor.

D. Conditional Uses

1. Commercial kennels on lots or combinations of contiguous lots under common ownership that are ten (10) acres or greater in size.
2. Community residential facilities serving nine (9) or more persons.
3. Daycare centers serving thirteen (13) or more persons.
4. Golf courses, playfields, tennis courts, and other recreational facilities for games and sports.
5. Public and quasi public buildings and uses.
6. Recreational vehicle parks.

SECTION 7. RURAL RESIDENTIAL 2. (RR-2 1/5 ACRES)

A. Purpose

This district is intended to provide for limited development in a more rural area, which typically allows for single family dwellings and associated accessory buildings and uses.

B. Space and Bulk Requirements

1. Maximum density One (1) dwelling unit per five (5) acres.
2. Minimum lot size One-half (0.5) acres.
3. Maximum lot coverage None.
4. Minimum yard setbacks
 - a. Front Twenty-five (25) feet.
 - b. Side Fifteen (15) feet.
 - c. Rear Twenty-five (25) feet.
 - d. Accessory buildings may have a reduced minimum rear yard setback of fifteen (15) feet.
5. Maximum structure height Thirty-five (35) feet.

C. Permitted Uses

1. Accessory buildings and uses.
2. Community residential facilities serving eight (8) or fewer persons.
3. Daycare homes serving twelve (12) or fewer persons.
4. Dwellings, single-family.
5. Home occupations.
6. Manufactured homes, Class A.
7. Modular homes.
8. Parks.
9. Utility installations, minor.

D. Conditional Uses

1. Agricultural uses, limited.
2. Bed and breakfast establishments.
3. Community residential facilities serving nine (9) or more persons.
4. Daycare centers serving thirteen (13) or more persons.
5. Golf courses, playfields, tennis courts, and other recreational facilities for games and sports.
6. Public and quasi public buildings and uses.
7. Recreational vehicle parks.

SECTION 8. LOW DENSITY RESIDENTIAL. (R-1 1/1 ACRE)**A. Purpose**

This district recognizes the existence of rural residential areas that will come under pressure for more intense residential development. This district provides for a transition between low density rural residential areas to more urbanized areas. This transitional zone allows the community to meet residential needs, while limiting density due to environmental concerns and/or infrastructure availability.

B. Space and Bulk Requirements

- | | |
|-----------------------------|--|
| 1. Maximum density | One (1) dwelling unit per one (1) acres. |
| 2. Minimum lot size | Ten thousand (10,000) square feet. |
| 3. Maximum lot coverage | None. |
| 4. Minimum yard setbacks | |
| a. Front | Twenty-five (25) feet. |
| b. Side | Fifteen (15) feet. |
| c. Rear | Twenty-five (25) feet. |
| 5. Maximum structure height | Thirty-five (35) feet. |

C. Permitted Uses

1. Accessory buildings and uses.
2. Community residential facilities serving eight (8) or fewer persons.
3. Daycare homes serving twelve (12) or fewer persons.
4. Dwellings, single-family.
5. Dwellings, two-family.
6. Home occupations.
7. Manufactured homes, Class A.
8. Modular homes.
9. Parks.
10. Utility installations, minor.

D. Conditional Uses

1. Agricultural uses, limited.
2. Bed and breakfast establishments.
3. Community residential facilities serving nine (9) or more persons.
4. Daycare centers serving thirteen (13) or more persons.
5. Golf courses, playfields, tennis courts, and other recreational facilities for games and sports.
6. Public and quasi public buildings and uses.
7. Recreational vehicle parks.

SECTION 9. MEDIUM-DENSITY RESIDENTIAL. (R-2 2/1 ACRE)

A. Purpose

The purpose of this district is to recognize the existing residential neighborhoods of the community as well as those areas which are deemed appropriate for residential expansions and areas that can accommodate densities that allow for at least one public or community system for either domestic water supply or wastewater treatment.

B. Space and Bulk Requirements

- | | |
|-----------------------------|--|
| 1. Maximum density | Two (2) dwelling units per one (1) acre. |
| 2. Minimum lot size | Ten thousand (10,000) square feet. |
| 3. Maximum lot coverage | None. |
| 4. Minimum yard setbacks | |
| a. Front | Twenty-five (25) feet. |
| b. Side | Fifteen (15) feet. Zero (0) feet for attached townhouse units. |
| c. Rear | Twenty-five (25) feet. |
| 5. Maximum structure height | Thirty-five (35) feet. |

C. Permitted Uses

1. Accessory buildings and uses.
2. Daycare homes serving twelve (12) or fewer persons.
3. Daycare centers serving thirteen (13) or more persons.
4. Dwellings, single-family.
5. Home occupations.
6. Manufactured homes, Class A.
7. Modular homes.
8. Parks.
9. Utility installations, minor.

D. Conditional Uses

1. Bed and breakfast establishments.
2. Community residential facilities serving eight (8) or fewer persons.
3. Community residential facilities serving nine (9) or more persons,
4. Dwellings, two-family.
5. Manufactured home parks.
6. Public and quasi public buildings and uses.
7. Townhouses (limited to two dwelling units per structure).

SECTION 10. MEDIUM–HIGH DENSITY RESIDENTIAL. (R-3 5/1 ACRE)

A. Purpose

The purpose of this district is to recognize the existing residential neighborhoods of the community as well as those areas which are deemed appropriate for residential expansions. A variety of residential types, including multiple family and manufactured homes, will be accommodated to provide a balance of housing types within the community.

B. Space and Bulk Requirements

- | | |
|-----------------------------|--|
| 1. Maximum density | Five (5) dwelling units per one (1) acre. |
| 2. Minimum lot size | Four thousand (4,000) square feet. |
| 3. Maximum lot coverage | Fifty (50) percent. |
| 4. Minimum yard setbacks | |
| a. Front | Ten (10) feet. |
| b. Side | Five (5) feet, or one-third (1/3) the building height, whichever is greater. Zero (0) feet for attached townhouse units. |
| c. Rear | Ten (10) feet. |
| 5. Maximum structure height | Thirty-five (35) feet. |

C. Permitted Uses

1. Accessory buildings and uses.
2. Daycare homes serving twelve (12) or fewer persons.
3. Daycare centers serving thirteen (13) or more persons.
4. Dwellings, single-family.
5. Dwellings, two-family.
6. Home occupations.
7. Manufactured homes, Class A.
8. Modular homes.
9. Onsite real estate sales office.
10. Parks.
11. Utility installations, minor.

D. Conditional Uses

1. Bed and breakfast establishments.
2. Community residential facilities serving eight (8) or fewer persons.
3. Community residential facilities serving nine (9) or more persons,
4. Dwellings, multi family.
5. Manufactured home parks.
6. Public and quasi public buildings and uses.
7. Townhouses (limited to two dwelling units per structure).

SECTION 11. HIGH DENSITY RESIDENTIAL. (R-4 20/1 ACRE)**A. Purpose**

This district is designated as high density in order to accommodate dwellings concentrated within an area that must have critical infrastructure such as water, sewer, adequate streets and roadways, schools, and other public facilities.

B. Space and Bulk Requirements

- | | |
|-----------------------------|--|
| 1. Maximum density | Twenty (20) dwelling units per one (1) acre. |
| 2. Minimum lot size | None. |
| 3. Maximum lot coverage | Fifty (50) percent. |
| 4. Minimum yard setbacks | |
| a. Front | Ten (10) feet. |
| b. Side | Zero (0) feet. |
| c. Rear | Ten (10) feet. |
| 5. Maximum structure height | Forty-five (45) feet. |

C. Permitted Uses

1. Accessory buildings and uses.
2. Community residential facilities serving eight (8) or fewer persons.
3. Community residential facilities serving nine (9) or more persons.
4. Daycare homes serving twelve (12) or fewer persons.
5. Daycare centers serving thirteen (13) or more persons.
6. Dwellings, multi-family.
7. Dwellings, single-family.
8. Dwellings, two-family.
9. Home occupations.
10. Manufactured homes, Class A.
11. Modular homes.
12. Onsite real estate sales office.
13. Parks.
14. Townhouses.

15. Utility installations, minor.

D. Conditional Uses

1. Bed and breakfast establishments.
2. Manufactured home parks.
3. Personal services establishments.
4. Professional or governmental offices.
5. Public and quasi public buildings and uses.

SECTION 12. NEIGHBORHOOD COMMERCIAL. (NC)

A. Purpose

This district provides for limited retail, personal and professional services to the neighborhood in which they are located. A neighborhood commercial district can serve as a transitional zone between residential neighborhoods and more intensive commercial operations. This district can also provide for rural commercial nodes where they may be appropriate to provide services to a rural community, such as nodes located along transportation corridors. The uses should be at the same intensity level and structural scale of the neighborhood in which they are located. Such developments are ideally clustered to provide centers of commercial activity.

B. Space and Bulk Requirements

- | | |
|-----------------------------|---|
| 1. Maximum density | None. |
| 2. Minimum lot area | None. |
| 3. Maximum lot coverage | Seventy-five (75) percent. |
| 4. Minimum yard setbacks | |
| a. Front | Fifteen (15) feet. |
| b. Side | None. Ten (10) feet if adjacent to an existing residential use. |
| c. Rear | None. Fifteen (15) feet if adjacent to an existing residential use. |
| 5. Maximum structure height | Forty-five (45) feet. |

C. Permitted Uses

1. Accessory buildings.
2. Bed and breakfast establishments.
3. Community residential facilities serving eight (8) or fewer persons.
4. Community residential facilities serving nine (9) or more persons.
5. Daycare homes serving twelve (12) or fewer persons.
6. Daycare centers serving thirteen (13) or more persons.
7. Dwellings, single-family.
8. Dwellings, two-family.
9. Feed stores and associated feed storage facilities.

10. Home occupations.
11. Manufactured homes, Class A.
12. Modular homes.
13. Neighborhood retail and personal services facilities including and similar in scope, but not limited to, personal services establishments, retail food store (maximum floor area of 3,000 square feet), launderette, restaurant, shoe repair/tailor shop, art/photography studio.
14. Onsite real estate sales office.
15. Parking, public.
16. Parks.
17. Professional or governmental offices.
18. Public and non-profit exhibits, libraries, museums and art galleries.
19. Seasonal commercial uses.
20. Townhouses (limited to two dwelling units per structure).
21. Utility installations, minor.
22. Vehicle fuel sales.
23. Vehicle services.

D. Conditional Uses

1. Health care facilities.
2. Manufactured home parks.
3. Mini warehouses.
4. Dwellings, multi-family.
5. Public and quasi public buildings.
6. Townhouses, multi-family.

SECTION 13. COMMERCIAL. (C)

A. Purpose

This district is intended to accommodate the business and commercial uses which have operations that require space and access to the major transportation facilities serving the community. The district should accommodate these uses while preserving the traffic carrying capacity of the road system, and the desirability of abutting land for residential development.

B. Space and Bulk Requirements

- | | |
|-----------------------------|-----------------------|
| 1. Maximum density | None. |
| 2. Minimum lot size | None. |
| 3. Maximum lot coverage | None. |
| 4. Minimum yard setbacks | |
| a. Front | Twenty (20) feet. |
| b. Side | None. |
| c. Side adjacent to street | Ten (10) feet. |
| d. Rear | None. |
| 5. Maximum structure height | Forty-five (45) feet. |

C. Permitted Uses

1. Uses permitted in the R-1, R-2, R-3, and NC districts.
2. Agricultural uses.
3. Amusement centers, entertainment facilities and recreational facilities in enclosed buildings.
4. Bars.
5. Casinos.
6. Commercial kennels.
7. Fraternal clubs.
8. Health care facilities.
9. Hotels/motels.
10. Meeting halls.
11. Microbreweries.
12. Nightclubs.
13. Printing and publishing establishments.
14. Public and quasi public buildings and uses.
15. Restaurants.
16. Retail sales and services establishments, including wholesale businesses, up to fifty thousand (50,000) square feet in size.
17. Temporary use of open land for meetings, circuses, carnivals, swap meets, etc.
18. Vehicle repair.
19. Vehicle sales and rental.
20. Veterinary services.
21. Wineries.

No business, trade or industry shall be permitted in the Commercial (C) District that is noxious or offensive by reason of emission of odor, dust, smoke, gas, vibration or noise, or that imposes any extraordinary hazard to life or property.

D. Conditional Uses

1. Manufactured home parks.
2. Mini warehouses.
3. Recreational vehicle parks.
4. Retail sales and services establishments, including wholesale businesses, greater than fifty thousand (50,000) square feet in size.
5. Shopping center.
6. Utility installations, major.
7. Woodworking and cabinet shops.

E. Screening and Buffering

Where a non-residential use in this district abuts a residential or institutional use, the use shall be effectively screened at the property line on all sides which adjourn or face the residential district

or institutional use by an acceptably designed, sight obscuring wall, fence or planting screen. The fence, wall or planting screen shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition. Where terrain or other natural features effectively serve as a screen, no wall, fence or planting screen is required.

F. Fencing

The following must be protected by a fence not less than six in height: (1) outdoor storage of materials or equipment, (2) above ground storage of flammable liquids, gasses, or other material, and (3) electrical substations, gas regulator stations and microwave reflectors.

G. Lighting

Lighting must be shielded to avoid casting direct light on adjacent residential uses or institutional uses providing human care.

SECTION 14. INDUSTRIAL. (I)

A. Purpose

This district is intended to provide for efficient and functional operation of heavy fixed equipment or machinery, manufacturing, processing, and other industrial uses in appropriate locations. Industrial uses which produce noise, smoke, dirt, vibration, glare or similarly obtrusive nuisances shall be regulated to minimize the impact on the public health and safety. These activities generally require reasonable access to major transportation facilities, need extensive open storage and service areas and generate heavy traffic. To help ensure efficiency and function of industrial uses, protection from incompatible residential and commercial uses is necessary.

B. Space and Bulk Requirements

- | | |
|-----------------------------|------------------------|
| 1. Maximum density | None. |
| 2. Minimum lot size | None. |
| 3. Maximum lot coverage | None. |
| 4. Minimum yard setbacks | |
| a. Front | Fifty (50) feet. |
| b. Side | Twenty-five (25) feet. |
| c. Rear | Twenty (20) feet. |
| 5. Maximum structure height | None. |

C. Permitted Uses

1. Uses permitted in the NC and C districts except residences (unless as an accessory use to a primary use), daycare centers, bed and breakfast establishments, institutions such as schools and colleges, places of worship, community residential facilities, hospitals, libraries, and fraternal clubs.
2. Auction sales.

3. Building and storage yards.
4. Cement, concrete and paving products, including mixing plants.
5. Commercial agricultural processing and storage facilities.
6. Fabrication or assembly of products from pre-structured materials or compounds.
7. Farm machinery and heavy equipment repair and sales.
8. Feedlots.
9. Freight terminals, truck or rail.
10. Ice plants and storage.
11. Industrial laboratories.
12. Intensive agricultural operations.
13. Large scale industries.
14. Machine shops.
15. Manufacturing or processing facilities such as those for:
 - a. Products from organic material, chemicals, glass, leather, metal, minerals, stones, gravel, sand or earth.
 - b. Foodstuffs, textiles, electrical and plumbing components, wood, leather, paper or plastic.
16. Mini warehouse
17. Pharmaceutical products manufacture.
18. Railroads and all associated uses.
19. Research laboratories, experimental and testing.
20. Residential use accessory to a primary use.
21. Retail lumber yards.
22. Rocks, sand and gravel processing and distribution.
23. Storage yards and warehouses.
24. Utility installations, major.
25. Warehousing.
26. Welding, sheet metal shops, steel products fabrication.
27. Woodworking and cabinet shops.

D. Conditional Uses

1. Bulk storage of flammable liquids or gases or other hazardous materials above ground:
All uses set back three hundred (300) feet from a lot line or roadway.
2. Gravel pit, quarry, sand pit, top soil stripping.
3. Junk yard.
4. Meat packing, processing, rendering plants:
 - a. Any building or structure used to retain animals or process animal products must be at least 300 feet from a residential district or institutional use.
 - b. A solid fence at least eight feet high must enclose the use, or a screen of evergreen trees or shrubs at least eight feet high at maturity must be planted. The fence or screen must be maintained.
5. Sanitary landfills, solid waste transfer stations, recycling centers.
6. Shopping centers.
7. Vehicle wrecking, scrap, salvage yards:
A solid fence at least eight feet high must enclose the use or a screen of evergreen trees or

shrubs at least eight feet high at maturity must be planted. The fence or screen must be maintained.

E. Screening and Buffering

Where a non-residential use or off-street parking area abuts a residential use, the use shall be effectively screened at the property line on all sides which adjoin or face the residential district or institutional use by an acceptably designed sight obscuring wall, fence or planting screen. The fence, wall, or planting screen shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition. Where terrain or other natural features effectively serve as a screen, no wall, fence or planting screen is required.

F. Fencing

The following must be protected by a fence not less than six in height: (1) outdoor storage of materials or equipment, (2) above ground storage of flammable liquids, gasses, or other material, and (3) electrical substations, gas regulator stations and microwave reflectors.

G. Lighting

Lighting must be shielded to avoid casting light on adjacent residential uses or institutional uses providing human care.

SECTION 15. INSTITUTIONS DISTRICT. (INS)

A. Purpose

This district recognizes buildings and facilities which serve wide public needs. Existing facilities can be modified, added to, or new units constructed. Proposed new structures and associated facilities, such as playing fields and other recreational areas must be close to existing or proposed infrastructure, such as water, sewer, roads and service facilities. **Proposals for all new and additional structures must be reviewed by the Planning Board.**

B. Space and Bulk Requirements

- | | |
|-----------------------------|---|
| 1. Maximum density | None. |
| 2. Minimum lot size | None. |
| 3. Maximum lot coverage | Forty-five (45) percent. |
| 4. Minimum yard setbacks | |
| a. Front | Twenty-five (25) feet. |
| b. Side | Ten (10) feet. |
| c. Rear | Twenty-five (25) feet. |
| 5. Maximum structure height | Forty-five (45) feet, except when permitted as a conditional use. |

C. Permitted Uses

1. Accessory buildings and uses.
2. Airports and landing fields.
3. Cemeteries, crematories and mausoleums.
4. Golf courses, playfields, tennis courts, and other recreational facilities for games and sports.
5. Governmental offices and administrative buildings.
6. Health care facilities.
7. Military installations.
8. Open land owned by public agencies.
9. Parking, public.
10. Private physicians' offices and clinics in the immediate vicinity of a public health care facility.
11. Public and non-profit quasi-public institutions and uses.
12. Public and non-profit exhibits, libraries, museums and art galleries.
13. Utilities installations, minor.

D. Conditional Uses

1. Outdoor recreational activities, non-developed.
2. Structures greater than forty-five (45) feet in height.
3. Utility installations, major.

SECTION 16. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.**A. Purpose**

Planned unit development (PUDs) districts that involve careful and innovative application of design are encouraged to achieve a more functional, aesthetically pleasing, flexible, and harmonious living and working environment within the County, which otherwise might not be possible by strict adherence to the subdivision regulations and standard zoning districts. A PUD may include a combination of different dwelling types, including mixed uses, which are made to complement each other and harmonize with existing and proposed land uses in the vicinity.

Flexibility in design of a PUD can be applied to small parcels or to large developments. Key features of all PUDs are the inclusion of open space and community facilities in common ownership or use. (See Exhibit A. The Concept of a Planned Unit Development.) The concept of a PUD District is in keeping with the countywide goals of the Growth Policy.

B. Objectives

A PUD District proposal shall be guided by the following objectives:

1. Preserve agricultural lands through strategic and planned location of subdivided lots.
2. Preserve natural, historic, and cultural features.

3. Recognize that a PUD can be a viable alternative to municipal annexation.
4. Allow development of a variety of housing types and housing ownership types.
5. Create and preserve open space for recreational use and aesthetic enjoyment.
6. Minimize future demands for services by concentrating dwelling units and other uses.
7. Provide developers with the opportunity to utilize density bonuses.

C. Application of Regulations

1. Subdivision Regulations. A developer of a new subdivision may submit a proposal, which in most respects complies with the Ravalli County Subdivision Regulations, but wishes to design the subdivision with the flexibility associated with a PUD. Modifications from the design and development standards in Chapter 5 of the Subdivision Regulations will be reviewed through the Subdivision PUD review process instead of through the variance review process.
2. Zoning Regulations. A PUD may be developed in any district, with the exception of the Institutions District. A PUD District proposal will be processed as a rezoning from the current zoning district to a PUD District. Relaxation of space and bulk requirements, redefinition of permitted uses, and density bonuses as defined herein may all be permissible through the review and approval of a PUD District proposal.

D. PUD General Design Standards. The following standards are required for all PUDs:

1. The parent parcel(s) is a legal lot of record.
2. Common areas shall be included in the overall area of the development plan.
3. Each lot or interest in the PUD shall be deemed as a unit granting to the parcel owner a proportionate undivided interest in the common area in perpetuity, with such restrictions as may be consistent with the unified development plan of the PUD.
4. There shall be a plan, which shall be in a deed restriction, by covenant, or otherwise, in perpetuity, binding the PUD owners to maintenance of common areas.
5. A PUD may be composed of a single use or a mix of uses, when compatible with the overall development plan.
6. If the PUD is in a relatively high density zoning district (R-3 or R-4), it must include at least fifteen (15) percent of the net acreage of the subject property as open space, exclusive of other dedications. The open space shall be held in common ownership by a property owners' association or dedicated to public use that is acceptable to the BCC, or some combination thereof.
7. In a relatively low density zoning district (AGR-1, AGR-2, RR-1, RR-2, R-1, R-2), at least forty (40) percent of the net acreage of the subject property as open space, exclusive of other dedications. This may be in a deeded conservation easement that includes agricultural land, wildlife habitat, or other natural areas, or land with significant historical features. The open space shall be held in common ownership by a property owners' association, dedicated to public use that is acceptable to the BCC, owned by an individual or corporation, by a land trust, or some combination thereof.
8. Individual uses and structures in a PUD need not comply with the space and bulk requirements of the underlying district, in order to promote innovative approaches to

housing and environmental design and provided the PUD is consistent with the other criteria established in this section.

9. Areas exceeding twenty-five (25) slope shall not be used to provide the common area/open space requirement.
10. The PUD shall specify the means of developing the common open space. This applies also to private open space that may be provided for each dwelling unit.
11. The PUD design shall consider the relationship of the site to the surrounding area. The perimeter shall be designed to minimize undesirable impacts to surrounding land uses.
12. All public utilities shall be placed underground.
13. The following maximum density bonuses may apply to PUDs based on the underlying zoning districts:

	Zoning District			
	AGR-1/AGR-2	RR-1/RR-2	R-1, R-2, R-3	R-4
Percent increase from base zoning density	200	150	100	50

E. Preliminary PUD Application and Review Procedures.

1. Any person requesting approval of a PUD shall submit an application for Zoning District Creation under the provisions of Chapter 4, Section 9, of these Regulations. The application shall be accompanied by the required fees and a PUD plan, described below.
2. A vicinity map showing the location of the site in relationship to surrounding areas and showing the existing land uses and zoning of the site and surrounding properties.
3. A map drawn to scale and showing the following:
 - a. Location, types and heights of existing and proposed buildings and other structures, including density and number of dwelling units or other uses of each structure.
 - b. Existing and proposed streets, roadways, alleys, bikeways, pedestrian walkways, and vehicle circulation patterns, and off-street parking areas.
 - c. Locations, dimensions and sizes of common and open space, parks, and a landscaping plan showing areas to be landscaped and those that will be left in a natural state.
 - d. Physical features such as streams, ponds, wetlands, riparian areas, rights-of-way and utilities.
4. A written statement describing:
 - a. A schedule for installing improvements, developing lots and constructing structures.
 - b. Proposed types of ownership of dwellings and other uses, and restrictive covenants, if any.
 - c. Means of providing maintenance of common facilities, parks, and open space areas.

5. A PUD will be reviewed and approved under the procedures for Zoning District Creation and Amendment pursuant to Chapter 4, Section 9 of these Regulations. Where the proposed PUD is subject to review as a subdivision under the Montana Subdivision and Platting Act, the Planning Board shall hold a review and a joint public hearing.
6. In addition to the review criteria listed in Chapter 4, Section 9 of these regulations, the PUD shall be reviewed to determine that it complies with the objectives outlined in this section and it shall achieve one or more of the following:
 - a. Preserves the natural characteristics of the land, including topography, vegetation, streams, and wildlife habitat.
 - b. Provides economies in the provision of roads, water, wastewater treatment facilities, other infrastructure, and public services.
 - c. Preserves productive agricultural land.
 - d. Protects important historic sites or structures and land areas of natural importance.
 - e. Provides developed facilities for recreational purposes.
 - f. Provides for trail extension and development.
 - g. Creates a design for a walkable, neighborhood community.
 - h. Provides for affordable housing.

A PUD must conform to the conditions prescribed by the Board of County Commissioners.

- F. Final PUD Application and Review Procedures. When the BCC approves the zoning change, it shall condition such approval upon the presenting within one (1) year thereafter one (1) of the following:
1. If development of the PUD district is to occur in a single phase, an application of subdivision approval of the entire PUD district.
 2. If development of the PUD district is to occur in more than one phase, an application for subdivision approval of the first phase along with a reasonable development schedule for the remainder of the PUD district. The development schedule shall state the time span over which development of the entire PUD district will occur and shall indicate what percentage of the total development approved for the district will occur each year.
 3. All subdivision submittals and final review and approval of all development proposed in the PUD one shall conform to the provisions and procedures of the Ravalli County Subdivision Regulations. The subdivision and zoning PUD review may occur concurrently.
 4. If the provisions of this part of this section have not been met within one (1) year from the date of the zone change, said change shall revert back to the original zoning district classification(s).
- G. PUD Adjustments.

1. Minor Adjustments. Minor adjustments may be made by the Permit Officer at the time the zoning compliance permit is issued. Minor adjustments are those changes that may affect the precise dimensions of the buildings and the siting of buildings, but which do not affect the basic character or arrangement of buildings, density, or the open space requirement.
2. Major Adjustments. Major adjustments are those adjustments which, in the opinion of the Permit Officer, substantially alter the basic design, density, or open space requirements of a PUD. A zoning compliance permit involving a major adjustment of a PUD shall not be issued without review and approval of the Ravalli County Planning Board and the BCC.

CHAPTER 3. GENERAL REQUIREMENTS

The provisions of this Chapter shall apply to all lands, uses and structures subject to these Zoning Regulations of the Ravalli County Zoning Resolution.

SECTION 1. NONCONFORMING LOTS, USES AND STRUCTURES.

A. Purpose

1. Within the districts established by these Regulations, lots, structures, and uses of lands and structures may exist which were lawful at the time the Resolution was adopted or amended, but which would be prohibited or regulated under the terms of these Regulations or future amendments. The intent of this Section is to permit these nonconformities to continue until they are removed. These Regulations further intend that nonconformities shall not be enlarged, expanded or extended, nor be grounds for adding other structures or uses prohibited elsewhere in the same district.
2. Nonconforming uses are declared by the Zoning Resolution to be incompatible with permitted uses in the same district. However, to avoid undue hardship, nothing in the Resolution shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. Nonconforming Lots of Record

1. In any district, notwithstanding other limitations imposed by these Regulations, structures permitted in a district may be established on any single lot of record on the effective date of this Zoning Resolution. A lot of record that does not meet lot area requirements must meet all other requirements of the district.
2. These Regulations may not deprive a person of all reasonable use of his property. A particular lot may be nonconforming to area requirements but may still be used for any use permitted in these Regulations.

C. Nonconforming Uses of Land and Structures

1. Where, at the time of passage of the Zoning Resolution, a lawful use of land or a structure exists which would not be permitted by the Zoning Regulations imposed by the Resolution, the use may be continued where it remains otherwise lawful, provided:

- a. A nonconforming use may not be enlarged or increased, nor extended to occupy a greater area of land or structure than was occupied on the effective date of adoption or amendment of this Resolution.
- b. No nonconforming use may be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use on the effective date of adoption or amendment of this Resolution.
- c. Should any nonconforming use cease for any reason for a period of more than one year, any subsequent use of the land or structure shall conform to the Regulations specified by this Resolution for the district in which such land is located.
- d. No additional nonconforming structure shall be erected in connection with such nonconforming use of land or structures.

D. Nonconforming Structures

Where a lawful structure exists on the effective date of adoption or amendment of this Resolution but becomes nonconforming under the terms of the Zoning Regulations by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may be continued, provided it remains otherwise lawful, subject to the following provisions:

1. A nonconforming structure may not be enlarged or altered in as way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should a nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in compliance with the provisions of the Zoning Regulations.
3. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Nothing in this Resolution shall be deemed to prevent the routine repair and maintenance of a nonconforming structure.
5. Nothing in this Resolution shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any officials charged with protecting the public safety, upon order of such official.

E. Nonconforming Manufactured Homes

1. A manufactured home which lawfully exists on the effective date of this Resolution, but

which becomes nonconforming under this Resolution, shall be allowed to continue for a 10-year phase-out period, after which the manufactured home must be removed from the premises or, where applicable, brought into conformance with the requirements.

2. Where a nonconforming manufactured home is occupied at the date of expiration of the 10-year phase-out period, the county must ensure that a suitable affordable site is available for relocating the manufactured home, or that an alternative affordable housing unit is available for the occupant before requiring the relocation of the nonconforming manufactured home.

CHAPTER 4. ADMINISTRATION AND ENFORCEMENT

SECTION 1. GENERAL PERMITTING REQUIREMENTS.

A. Zoning Compliance Permit.

A Zoning Compliance Permit must be obtained from the Permit Officer before any building, structure or land may be used or occupied, or before any building or structure permitted under these Regulations may be erected, placed, moved, expanded or structurally altered. A Zoning Compliance Permit may be issued only when the proposed building, structure, parcel or use will meet the requirements of these Zoning Regulations.

B. Conditional Use Permit.

A Conditional Use Permit must be obtained before those uses specified as Conditional Uses within certain zoning districts may be established. A Conditional Use Permit may be issued only when the proposed use will meet both the requirements of the particular district involved and the conditions specified for the use.

C. Permit Officer.

The Board of County Commissioners shall designate the Planning Director, or his/her designee, as the Permit Officer to administer and enforce these Regulations.

SECTION 2. ZONING COMPLIANCE PERMITS.

A. Procedures for Applying for a Zoning Compliance Permit.

1. A Zoning Compliance Permit must be obtained from the Permit Officer before any building, other structure, or land may be used or occupied, or before any building or other structure permitted under these Regulations may be erected, placed, moved, expanded, or structurally altered. The Permit Officer may issue a Zoning Compliance Permit only when the proposed building, structure, parcel or use will meet the requirements of these Zoning Regulations.
2. Before conducting a use, or constructing, erecting, expanding, altering or modifying a building or structure, a person must submit a completed application form to the Permit Officer, with all the required information, including plans drawn to scale, showing the actual dimensions and shape of the lot or lots, the exact sizes and location of existing and proposed buildings, building additions and other structures. The Permit Officer may waive the requirement for site plans. The application shall include such other information as may be required by the Permit Officer, including uses of buildings and land, the number of families, dwelling units, or rental units proposed; conditions existing on the lot or lots; and such other matters as may be necessary to determine conformance with these Regulations.

3. All requests for Zoning Compliance Permits under this Resolution shall be initiated by the owner(s) or the owner's representative with the owner(s) written consent.

B. Reviewing and Issuing a Zoning Compliance Permit.

1. The Permit Officer shall review the application to ensure the required information is submitted and complete. When the application and submitted information are complete, the Permit Officer shall determine whether the proposed building or buildings, structure, alteration, use is permitted at the proposed location, and whether the proposal will comply with the requirements of the applicable district and these Regulations.
2. Should the Permit Officer find that the proposal is permitted in the applicable district and will conform to all requirements, he shall issue the applicant a Zoning Compliance Permit.
3. Should the Permit Officer find that the proposal either is not permitted in the applicable district or will not conform to all requirements of these Regulations, he shall deny the applications and state in writing that the application is denied and explain the reasons for denial. The statement accompanied by one copy of the application shall be sent to the applicant.
4. Construction, installation, alteration, placement or use must comply with the plans approved by the Permit Officer.
5. A Zoning Compliance Permit shall be in effect for one year from the date of approval.

SECTION 3. CONDITIONAL USE PERMITS.

A. Purpose

The purpose of conditional use permits is to provide for specific uses, other than those specifically permitted in each district, which may be appropriate in the district under certain safeguards or conditions. The conditional use permitting process is intended to provide a detailed and comprehensive review of proposed developments that potentially could have significant adverse impacts on the community.

B. Conditional Uses; Requirements

1. No structure or land may be used for any purpose in any district where the use is not permitted, unless the land is listed as a conditional use within that district and the approval, for the use is obtained through these procedures.
2. Conditional uses and the required conditions are listed as part of the requirements for each district.
3. Conditional uses also must comply with any additional conditions prescribed by the

Planning Board relating to the following:

- a. Adequate ingress and egress to property and proposed structures with particular concern for automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
- b. Adequate off-street parking and loading areas, where required, with particular attention to access, traffic flow and vehicular and pedestrian safety.
- c. Location of garbage containers and garbage pickup with respect to traffic flow and access, odor, and vehicular and pedestrian safety.
- d. Availability and compatibility of utilities in suitable locations.
- e. Adequate screening, buffering, and landscaping with attention to type, dimensions, and character.
- f. Signs, with attention to preventing glare and promoting traffic safety and harmony with adjacent properties.
- g. Adequate yards and open space.
- h. General compatibility with adjacent and other properties.

C. Procedures for a Conditional Use Permit

The following procedures must be followed before the Planning Board may grant a Conditional Use Permit.

1. The applicant must submit an accurate and complete written application for a conditional use to the Planning Board through the Permit Officer. All applications for conditional use permits must be accompanied by plans drawn to approximate scale, showing the approximate dimensions and shape of the lot or lots to be built upon; the approximate sizes and locations on the lot of buildings already existing, if any; the location and dimensions of the proposed buildings or alterations; and information which clearly states how the use will be met.
2. The application must include any other information as may be required by the Permit Officer, including descriptions of proposed buildings and alterations; existing or proposed uses of land and buildings; the number of families, dwelling units, or rental unit's the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of these Zoning Regulations.
3. Notice shall be published at least seven days in advance of a public hearing before the Planning Board. The owner of the property for which a conditional use is sought or his

agent shall be notified of the hearing by mail.

4. At the public hearing any party may appear in person, or through an agent or attorney.
5. Before granting a conditional use permit, the Planning Board shall make a written finding that the proposed use will comply with the specific conditions governing the use and the other requirements of these Regulations, and that the conditional use will not adversely affect the character of the district.

SECTION 4. VARIANCES.

D. Procedures for Variance Requests

1. Any person may submit an application for a variance to the Board of Adjustment as provided by the rules of the BOA by filing the application with the Permit Officer.
2. The Application for Variance must specifically set forth the grounds for requesting the variance, as indicated on the Application form.
3. The BOA shall fix a reasonable time for the hearing on the variance request, publish notice of the hearing in a newspaper of general circulation at least seven days prior to the hearing and shall notify by mail the person requesting the variance.
4. At the hearing any party may appear in person, or be represented by agent or attorney.

E. Requirements for Granting of Variances

1. To grant a variance the BOA shall make positive findings on each of the following criteria:
 - a. The granting of the variance will be in harmony with the general purpose and intent of these Regulations;
 - b. The granting of the variance will not be injurious to the neighborhood and will not be detrimental to the public health, safety and welfare;
 - c. The granting of the variance is the minimum variance that will make possible the reasonable use of the land, building or structure;
 - d. That owing to special conditions a literal enforcement of the provisions of these Regulations will result in unnecessary hardship. "Hardship" refers to circumstances peculiar to the particular property. Financial or economic difficulties, or consequences of actions by the property owner are not "hardships" for zoning purposes. Findings related to hardship shall include the following:
 - (1) That special conditions and circumstances exist which are peculiar to the land,

structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

- (2) That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of these Zoning Regulations.
 - (3) That the special conditions and circumstances do not result from the action of the applicant.
 - (4) That granting the requested variance will not confer on the applicant any special privilege that is denied by these Regulations to other lands, structures, or buildings in the same district.
2. Under no circumstances may the BOA grant a variance that would allow a use not permissible under the terms of these Regulations in the district involved, or any use expressly or by implication prohibited by the terms of these Regulations in the district.
 3. Neither the non-conforming use of neighboring lands, structures or buildings in the same district, nor the permitted or non-conforming use of lands, structures or buildings in other districts are grounds for the issuance of a variance.

SECTION 5. APPEALS.

A. Procedures for Hearing and Acting on Appeals from Permit Officer's Decisions

1. The BOA shall hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by any administrative official or body in the enforcement of the Zoning Regulations.
2. Any person or any officer of the county government may file a notice of appeal of any decision made by an administrative person or body within 60 days of date the subject decision was made. The notice of appeal, submitted to the Permit Officer, must comply with the rules adopted by the BOA.
3. The Permit Officer shall promptly transmit to the BOA the notice of appeal and all papers constituting the record of the subject decision.
4. The BOA shall fix a reasonable time for a hearing of the appeal, give public notice and notify the affected parties. At the hearing any person may appear in person or be represented by agent or attorney.
5. The BOA, in conformity with the provisions of these Zoning Regulations, may reverse, affirm, wholly or in part, or modify the order, decision or action appealed and may make such order, decision, or action as deemed necessary, and to that end shall have the powers of the administrative official whose action is appealed.

B. Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed, unless the administrative official from whom the appeal is taken certifies to the BOA after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be ordered by the BOA or by a court of record on application, on notice to the officer from whom the appeal is taken, and for due cause.

SECTION 6. PERMIT OFFICER RESPONSIBILITIES.

The Permit Officer shall have the following responsibility in the administration and enforcement of these regulations:

1. Maintain files and records to document fee receipts, the issuance of permits, petitions, agendas, minutes, record of public hearings, and other matters related to zoning within Ravalli County. Such files and records shall be available and open for public inspection during regular business hours, unless otherwise determined by the County Attorney.
2. Receive and process rezoning petitions and requests for variances, conditional uses and appeals, in accordance with the provisions of this Resolution, and collect fees for such petitions and requests.
3. Publish notice of public hearings as required by this Resolution and applicable State statutes.
4. Prepare such materials (maps, agendas, property descriptions, etc.) as may be necessary for the Planning Board, Board of Adjustment or the Board of County Commissioners to properly conduct public meetings for the purpose of administering this Resolution.
5. Make written recommendations on petitions and requests to the Planning Board, Board of Adjustment (except on appeals), and Board of County Commissioners, and to provide background information to support such recommendations.
6. Ensure all materials and documents relating to zoning within Ravalli County are properly filed with the Ravalli County Clerk and Recorder as required by applicable statutes.
7. Act as administrative agent of the Planning Board and the Board of Adjustment.
8. Provide zoning information to the public and government agencies and officials and interpret the meaning and intent of this Resolution and other wise promote procedural uniformity in the administration of this Resolution.
9. Initiate appropriate investigatory action for apparent zoning violations through coordination with the Board of County Commissioners and the County Attorney's Office.

10. Perform inspections of premises as required to administer this Resolution. The Permit Officer and authorized representatives of the Permit Officer shall have the right to enter any building or premises for the purpose of investigation and inspection, provided that such entry shall be exercised only at reasonable hours, and in no case shall be made without consent and in the absence of the owner or tenant thereof without written order of competent jurisdiction.

SECTION 7. PLANNING BOARD ROLE AND RESPONSIBILITIES.

The Ravalli County Planning Board shall act in an advisory capacity to the BCC and shall have the following responsibilities in regards to zoning:

1. Adopt and amend the Ravalli County Growth Policy or any other planning document designed to be a guide for the orderly development of the community and any other matter referred to it by the BCC.
2. Recommend boundaries and appropriate regulations for the various zoning districts. The Ravalli County Planning Board shall make written reports of their recommendations to the Board of County Commissioners.
3. Recommend changes to the Zoning Regulations or the Zoning Map in writing to the Board of County Commissioners.
4. Review conditional use permit applications.
5. Adopt written procedures for the conduct of its affairs provided for in this Resolution.
6. Keep minutes of the Planning Board meetings on file in the office of the Ravalli County Planning Department as public records. Ensure adequate notice of the Planning Board meetings and hearings is provided.

SECTION 8. BOARD OF ADJUSTMENT.

C. Board of Adjustment Established.

1. A Board of Adjustment (BOA) shall be established by the Ravalli County Board of Commissioners in accordance with MCA 76-2-321 through 76-2-328.
2. The Commissioners shall appoint five (5) members to the BOA each for a term of two (2) years, except that in the initial appointment two (2) members shall be appointed for a term of one (1) year, and three (3) members for a term of two (2) years. Terms shall expire December 31st of the relevant year.
3. The BOA may include members who sit on the Planning Board, but not more than two (2) at any time. The BOA is a quasi-judicial body that acts on appeals of administrative

decision and on variances and special exceptions from the requirements of the zoning districts. This “judicial” function is best performed by independent individuals who did not help draft the Zoning Regulations; however, persons from the Planning Board would help provide continuity of rationale for the regulations and need not undermine judgment.

4. Members shall be entitled to reimbursement of necessary mileage and expenses approved by the County Commissioners, but shall not be entitled to per diem or salary.
5. Members of the BOA may be removed from office by the Commissioners for cause upon written charges and after a public hearing. Vacancies on the BOA shall be filled by resolution of the Commissioners for the unexpired term of the member affected.

D. Powers of the Board of Adjustment.

The BOA shall have the following powers.

1. To adopt procedures as may be necessary to efficiently administer the provisions of this Resolution and as required by State law.
2. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of these Regulations.
3. To hear and decide special exceptions to the terms of these regulations upon which the BOA is required to pass under this Resolution.
4. To hear and decide variances from the standards of these Regulations.
5. In exercising the above-mentioned powers, the BOA may, in conformity with the provisions of this part, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

E. Proceedings of the Board of Adjustment.

The BOA shall select one of its members as chairman and shall adopt rules necessary to conduct affairs in keeping with the provisions of these Regulations. Meetings shall be held at the call of the chairman and at such other times as the BOA may determine. The chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. Meetings shall be open to the public.

F. Appeals from Decisions of the Board of Adjustment

Appeals from decisions of the BOA may be made in accordance with 76-2-327 and 76-2-328, MCA.

1. Any person or persons, jointly or severally, aggrieved by any decision of the BOA, any taxpayer, or any officer or department of the county government may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the BOA.
2. Upon presentation of such petition the court may allow a writ of certiorari directed to the BOA to review such decision of the BOA and shall prescribe therein the time within which a return thereto must be made and served upon the complainant's attorney, which may not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the BOA and on due cause shown, grant a restraining order.
3. The BOA shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be pertinent and material to show the grounds of the decision appealed from, and shall be verified.
4. If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law. Such evidence shall constitute a part of the proceedings upon which the determination of the court will be made. The court may reverse or affirm, wholly or partly, or may modify the decision up for review.
5. Damages shall not be allowed against the BOA unless it appears to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

SECTION 9. ZONING DISTRICT CREATION AND AMENDMENT.

A. Initiation

Proposals to amend, supplement, modify or repeal any of the provisions or the district boundaries established by this Zoning Resolution or hereafter established, may be initiated by the Board of County Commissioners, the Planning Board, or property owner(s) or his designated representative.

B. Procedure

1. Written applications or notices of intent to create or amend a zoning district shall be received by the Zoning Officer at least thirty (30) days prior to a regular meeting of the Planning Board.
2. The Planning Board shall hold a public hearing to receive relevant testimony. The notice of the hearing shall include a description of the boundaries of the proposed district, the

general character of the proposed zoning regulations, and the time and place of the public hearing. The hearing may be held jointly with the hearing by the BCC, in which case the notice of the public hearing shall follow the BCC hearing notice requirements.

3. The Zoning Officer shall deliver a copy of the application and a written recommendation to each member of the Planning Board and the applicant and his designated representative prior to the public hearing.
4. The applicant or his designated representative shall be present at the public hearing. Failure to appear is grounds for disapproval.
5. Within thirty-five (35) days of the first public hearing, the Planning Board shall make one of the following recommendations to the BCC on the zoning proposal:
 - a. Deny with rationale;
 - b. Approve as requested; or
 - c. Approve with modification; or
 - d. Allow withdrawal of the application.

C. Decision.

1. The BCC shall hold a public hearing, noticed in accordance with Section 76-2-205, MCA to take public testimony on the zoning proposal and to consider the recommendations of the Permit Officer and Planning Board.
2. Following the public hearing, the BCC shall review the proposals of the Planning Board and shall make any revisions or amendments that it determines to be proper. The BCC shall make one of the following decisions on the zoning proposal:
 - a. Deny with rationale;
 - b. Approve as requested; or
 - c. Approve with modification; or
 - d. Allow withdrawal of the application.

D. Protest.

If the BCC decides to approve as requested or approve with modification, the BCC shall pass a resolution of intention to create a zoning district and to adopt zoning regulations for the district and:

1. Publish notice of passage of the resolution of intention once a week for 2 weeks in a newspaper of general circulation within the county. The notice must state:
 - a. the boundaries of the proposed district;
 - b. the general character of the proposed zoning regulations;
 - c. that the proposed zoning regulations are on file for public inspection at the Office of the County Clerk and Recorder;
 - d. that for thirty (30) days after first publication of this notice, the BCC will receive written protests to the creation of the zoning district or to the zoning regulations from persons owning real property within the district whose names appear on the last-completed assessment roll of the county.

2. Within thirty (30) days after the expiration of the protest period, the BCC may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for the district. However, if forty (40) percent of the freeholders within the district whose names appear on the last-completed assessment roll or if freeholders representing fifty (50) percent of the titled property ownership whose property is taxed for agricultural purposes under 15-7-202 or whose property is taxed as forest land under Title 15, chapter 44, part 1, have protested the establishment of the district or adoption of the regulations, the BCC may not adopt the resolution and a further zoning resolution may not be proposed for the district for a period of one (1) year.

E. Evaluation Criteria

In reviewing the application the Planning Board and BCC shall address each of the following factors:

1. Whether the zoning proposal is designed in accordance with the Ravalli County Growth Policy.
2. Whether the zoning proposal is designed to:
 - a. lessen congestion in the streets;
 - b. secure safety from fire, panic, and other dangers;
 - c. promote public health and general welfare;
 - d. provide adequate light and air;
 - e. prevent the overcrowding of land;
 - f. avoid undue concentration of population; and
 - g. facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
3. Whether the zoning proposal is made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.
4. When appropriate, whether the zoning, as nearly as possible, has been made compatible with the zoning ordinances of the municipalities within the jurisdictional area.

SECTION 10. FEES.

- A. The Board of County Commissioners, with recommendations, as appropriate, from the Planning Department, Planning Board, and Board of Adjustment, shall, by resolution, establish a schedule of fees and charges and a collection procedure for zoning compliance permits, conditional use permits, variances and zoning amendments.
- B. Until all applicable fees and charges have been paid in full, no action may be taken on any application or appeal.

SECTION 11. VIOLATIONS AND PENALTIES.

- A. Whenever a violation of this Zoning Resolution occurs or is alleged to have occurred, any

person may file a written complaint. The complaint, stating fully the causes and basis of the violation, shall be filed with the Permit Officer. Upon receipt, the Permit Officer shall properly record the complaint and immediately investigate and take action as provided in these Zoning Regulations.

B. Penalties

1. Violation of the provisions in the Zoning Resolution or failure to comply with any of the requirements, including violation of conditions and safeguards established in connection with the grant of variances or conditional uses or any of the requirements for conditions imposed by the Board of County Commissioners, shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 for each offense or imprisoned not more than six months, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and be punishable as such (76-2-315, MCA).
2. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists, or maintains such violation may be found guilty of a separate offense and suffer the penalties specified above.
3. Nothing set forth in this section shall prevent the Board of County Commissioners from taking other lawful action as is necessary to prevent or remedy any violation.
4. Forthcoming wording from Chip Pigman to address errors.